

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION

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IN RE:

BERNADETTE EVADNEY BEARAM

Debtors.

Chapter 7

CASE NO.: 19-43974-ESS

Judge: Hon. Elizabeth S. Stong

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I, Yonel Devico, being of lawful age and being first duly sworn on oath, states and deposes as follows:

1. I am over 18 years of age. I have personal knowledge of the facts in this Affidavit based on my review of the business records defined below, am competent to testify about such facts, and would do so if I appeared as a witness in the above-styled action.

2. I am a Member of the secured creditor Crosby Capital USA, LLC ("Crosby Capital"). As such, I am authorized to make this Affidavit in support of this motion.

3. In the regular performance of my job functions, I have access to and I am familiar with the business records (the "Records") relating to the mortgage loan dated June 25, 2007 in the amount of five hundred sixty five thousand dollars and zero cents (\$565,000.00) (the "Loan"). Attached hereto as **Exhibit A** are true and correct copies of the Crosby Capital Note and Mortgage (the "Note and Mortgage"). These records (which include but are not limited to, data compilations, electronically imaged documents, and others) are made at or near the time of events or activities reflected in such records by, or from information provided by, persons with knowledge of the activities and the transactions reflected in such records and are kept in the ordinary course of business activity conducted regularly by Crosby Capital (the "Business Records"). I am also

familiar with Crosby Capital's office practices and procedures. It is the regular practice of Crosby Capital's business to create and maintain these records.

4. Furthermore, it is in Crosby Capital's ordinary course of business to communicate with its predecessors-in-interest to obtain information, data and records regarding the Subject Loan and to rely on that information, data and records and to incorporate those records into the Business Records for Crosby Capital.

5. In connection with making this Affidavit, I personally examined the Business Records associated with the Subject Loan. As a result of this review, I know the facts set forth in this Affidavit based on my own personal knowledge and if called and sworn as a witness could competently testify thereto.

6. Crosby Capital is a mortgagee of a property owned by Herbert Bearam and Kwesi Bearam (collectively the "Borrowers") as 452 Hart Street, Brooklyn, New York 11221 (the "Property") by virtue of its ownership of a Note and Mortgage dated June 25, 2007. See Exhibit A. The Property is currently valued at \$985,000.00. A copy of the property appraisal is annexed hereto as **Exhibit B.** Herbert Bearam is deceased and the Debtor Bernadette Evadney Bearam is an heir at law to his estate.

7. The Borrowers defaulted under the terms of the Note and Mortgage by failing to tender the monthly payment due April 1, 2010 and each month thereafter. There is currently due and owing on the Note the outstanding balance of \$1,021,119.22, plus interest accruing at the rate of 7.500% per annum [\$117.71 per day] from July 12, 2019.

8. Since Debtor filed for Bankruptcy, no payments have been made to Crosby Capital in accordance with the terms of the Note and Mortgage owned by Crosby Capital.

WHEREFORE, it is respectfully requested that Crosby Capital's motion be granted in its entirety, with such other and further relief that the Court may deem just and proper.

Dated: 7/12/2019

CROSBY CAPITAL USA, LLC



Yonel Devico
Member

STATE OF FLORIDA)
) ss.
COUNTY OF MIAMI-DADE)

On July 12th, 2019, before me, Brandon Ramos, a Notary Public in and for said County and State, personally appeared Yonel Devico, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

My Commission Expires: 12/09/2022



Notary Public

[NOTARY SEAL]

